

-11-

REMARKS

In response to the Office Action mailed on October 16, 2006, Applicant(s) respectfully request(s) reconsideration. Claim(s) 1-39 are now pending in this Application. Claim(s) 1, 19, and 36-39 are independent claims and the remaining claims are dependent claims. In this Amendment, claim(s) 1, 2, 6, 17, 19, 20, 23-24, 34 and 36-39 have been amended and claim(s) 14-15 have been canceled. Applicant(s) believe that the claim(s) as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claim Objections:

Claims 2, 6, 20 and 24 have been objected to because of informalities. All claims now recite a "filter complex" rather than a "filtering complex."

Claim 23 has been amended to properly depend from, as the Examiner notes, claim 22. Applicant thanks the Examiner for this observation. Claim 34 has been similarly amended.

Claim 36 has been amended to correct a minor inconsistency.

Rejection under 35 U.S.C. §101:

Claims 37 and 38 have been rejected under 35 U.S.C. §101 as non-statutory subject matter. These claims have been herein amended within the USPTO Guidelines on Computer Related Inventions and accordingly, it is respectfully requested that the rejection under 35 U.S.C. 101 be withdrawn.

Rejection under 35 U.S.C. §112:

Claims 2, 17 and 19 and corresponding dependent claims have been amended herein to correct the noted inconsistencies.

Rejection under 35 U.S.C. §102(e) based on Afek et al., U.S. Publication No. 2002/0083175:

Claims 1-12, 14-30 and 32-39 are rejected under 35 U.S.C. §102(e) as being anticipated by 35 U.S.C. §102(e) based on Afek et al., U.S. Publication No.

2002/0083175 (Afek '175). Applicant(s) respectfully disagree(s) with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the Afek '175 references.

Specifically, the Office Action rejects Claim 1 based on the assertion that Afek '175 teaches directing the filter complex to transmit, via a second transport mechanism over the communications network, the desirable message traffic to the target node, as recited in claim 1. The claimed invention, however, employs a second transport mechanism having different routing information for routing messages to destination addresses. The claimed different routing information is employed via an overlay of multiple parallel routing tables, a feature not shown or recited in Afek '175. Accordingly, Claim 1 has been herein amended with the subject matter of Claim 15 to recite that directing the filter complex further comprises propagating routing information according to a predetermined protocol, the routing information operable to designate the target node as the destination of the message according to the second transport mechanism, to further clarify and distinguish Claim 1.

In contrast, Afek teaches rerouting via a so-called "double address" method. Associating multiple addresses with the same "victim" (para. [0255]) implies that the same protocol and addressing scheme must be used for both benign and detected malicious or undesirable traffic. In contrast, the claimed approach employs a DIFFERENT protocol for routing "safe" message traffic to the intended victim node being protected. The different protocol is characterized by a distinct set of overlay routing tables operable in parallel with the mainstream routing protocol on which the malicious traffic was routed, as discussed at page 10, line 23-page 11, line 17. In this manner, since the reroute information is in the second protocol for routing from the filter complex to the protected target, reroute changes need not be propagated in a widespread manner as with conventional reroutes that modify routing in only one protocol.

The Office Action suggests that Afek '175 teaches the subject matter of claim 15 at paragraphs [0016-0017]. Afek, however, teaches only the use of a second set of routers (e.g. G0-G4 rather than R0-R8) for rerouting malign traffic, not the use of a

second set of routing tables having the claimed different routing information. Such a second set of routing tables employs a separate set of routing information in an overlay arrangement with the primary transport mechanism, or protocol (page 5, lines 9-12). Accordingly, Afek does not show, teach or disclose, alone or in combination, routing information operable to designate the target node as the destination of the message according to the second transport mechanism, as now claimed in amended claim 1. Claim 1 is therefore submitted as allowable. Claim 36, rejected on similar grounds, has been similarly amended.

Claim 19, rejected on similar grounds as claim 1, has been further amended with the subject matter of claims 32 and 33 (similar to 15, discussed above, and further to claim 14), to recite that rerouting all message traffic further comprises propagating, via a standard protocol corresponding to the first transport mechanism, a node address other than the node address corresponding to the target node, as now recited in amended claim 19.

The Office Action suggests that Afek '175 teaches the subject matter of claims 14 and 32 at paragraphs [0286] and [0241]. [0241] discloses that the Primary routers R0-R8 constitute the first set of network elements. [0286] indicates that these routes are not used for the reroute. However, nowhere is shown, taught or disclosed rerouting in the first transport mechanism a node address other than the target node, and further routing in the second transport mechanism to the target node, as recited in amended Claim 19. Claim 19 is therefore submitted as allowable.

Claim 37, rejected on similar grounds as claim 19, has been amended similarly and further to recite the first transport mechanism and the second transport mechanism having different sets of routing tables, as disclosed at page 8, lines 14-19 of the specification, to further clarify and distinguish Applicant's claimed invention.

Rejection under 35 U.S.C. §103(a) based on Afek et al., U.S. Publication No. 2002/0083175 in view of Desai et al., U.S. Pub. No. 2002/0083175:

Claim 38 has been further amended to augment the distinction of a separate overlay of parallel routing tables by reciting the subject matter of claim 13, clarifying that

the second transport mechanism corresponds to a virtual private network operable to encapsulate message packets of dissimilar protocols such that the encapsulated message packets are recognized by a routing protocol of the virtual private network.

The Office Action rejects claim 13 under 35 U.S.C. 103(a) based on Afek '175 in view of Desai '189 (U.S. Publication 2003,0188189). Desai, however is inapplicable because Desai pertains to an event logging system for recording network activity, not a DDOS defense mechanism for actively routing to a filter complex as claimed in the present application. The cited paragraphs [0012] and [0044] pertain to tunneling for VPNs, not to a second transport mechanism having a parallel overlay of routing tables. Tunneling is distinguishable from the claimed invention because tunneling repackages packets according to the same addressing scheme, not for a different transport mechanism having a parallel overlay of distinct routing tables. Accordingly, one of skill in the art would not look to Desai '189 to modify Afek '175, and even if one did, the invention claimed in claim 37 would still not be realized. Accordingly, claim 37 is respectfully submitted as allowable.

Claim 39 has been further amended as per claim 38 above, and further with the subject matter of claim 15, as discussed above, to further clarify and distinguish salient features of applicant's claimed invention.

As the remaining claims depend, either directly or indirectly, from claims 1 and 19, it is respectfully submitted that all claims in the case are now in condition for allowance.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

-15-

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



Christopher J. Lutz, Esq.
Attorney for Applicant(s)
Registration No.: 44,883
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

Attorney Docket No.: CIS03-25(7365)

Dated: January 16, 2007